

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

EPA Region 5 Records Ctr.



275644

 THE DOW CHEMICAL CO., et al.,

Plaintiffs,

v.

ACME WRECKING CO., INC., et al.,

Defendants.

Civil Action Nos.

C-1-97-0307; C-1-97-0308

(Consolidated Actions)

C-1-01-439

(Transferred Action)

 THE DOW CHEMICAL CO., et al.

Plaintiffs,

v.

SUN OIL COMPANY, d/b/a SUNOCO
OIL CORP., et al.,

Defendants.

Judge Weber

 UNITED STATES OF AMERICA,

Plaintiff,

v.

AERONCA, INC., et al.

Defendants.

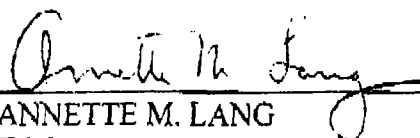
**NOTICE OF DEPOSITION OF
RICHARD SCHINDLER**

Notice is hereby given, pursuant to Rule 30 of the Federal Rules of Civil Procedure, that Plaintiff the United States of America ("United States") will conduct a deposition of Richard Schindler at 1:30 p.m. on June 27, 2002, at the law offices of Blank, Rome, Comisky &

McCauley, PNC Center, 201 E. Fifth St., Suite 1700, Cincinnati, Ohio 45202. The deposition will be under oath and recorded by stenographic means.

Respectfully submitted,

Thomas L. Sansonetti
Assistant Attorney General
Environment & Natural Resources Div. - -
U.S. Department of Justice



ANNETTE M. LANG
Trial Attorney
Environmental Enforcement Section
Environment and Natural Resources
Division
United States Department of Justice
P.O. Box 7611
Ben Franklin Station
Washington, D.C. 20044
(202) 514-4213

GERALD F. KAMINSKI
(Ohio Bar No. 0012532)
Assistant United States Attorney
Southern District of Ohio
221 E. Fourth St., Suite 400
Cincinnati, Ohio 45202
(513) 684-3711

OF COUNSEL:

CRAIG MELODIA
Assistant Regional Counsel
U.S. Environmental Protection Agency
Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604



U.S. Department of Justice

Environment and Natural Resources Division

BSG:AML
DJ No. 90-11-3-1620/2

Environmental Enforcement Section
P.O. Box 7611 Telephone: (202) 514-4213
Washington, D.C. 20044-7611 Facsimile: (202) 616-6584

June 18, 2002

VIA FEDERAL EXPRESS

Richard Schindler
34 Illona Dr.
Green Hills, OH 45218

Re: United States v. Aerona, Inc. et al.
Civil Action No. 1:01 CV 00439
Your Deposition

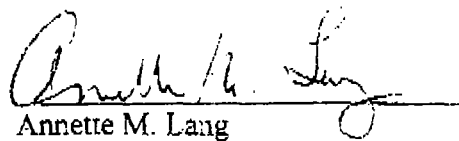
Dear Mr. Schindler:

Consistent with our telephone conversation on June 14, 2002, enclosed please find a subpoena issued in the above-referenced matter. Thank you for agreeing to provide information in this case and for agreeing to accept service of the subpoena by mail.

Contrary to what I told you on Friday night, your deposition will be held at 201 E. Fifth St., Suite 1700. I had originally told you an address on Fourth St., but we decided to relocate the deposition. Thus, please come to the address listed in the subpoena (201 E. Fifth St., Suite 1700, Cincinnati, Ohio) by 1:30 in the afternoon on Thursday, June 27, 2002. Unless you hear otherwise from me, the deposition will go forward as scheduled. If you should need to get a hold of me for any reason, please do not hesitate to call me at 202 514-4213.

Thank you for your cooperation in this matter.

Sincerely,


Annette M. Lang
Trial Attorney

cc: All counsel of record (by email, facsimile, and regular mail)

Issued by the
UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF OHIO

DOW CHEMICAL CO., et al

V.

ACME WRECKING CO., INC., et al

SUBPOENA IN A CIVIL CASE

CASE NUMBER:-

C-1-97-0307; C-1-97-0308; C-1-01-439

TO: RICHARD SCHINDLER
 34 ILLONA DR
 GREEN HILLS, OHIO 45218

☐ YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

☒ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

DATE AND TIME

LAW OFFICES OF BLANK, ROME, COMISKY & MCCAULEY; PNC CENTER;
 201 E. FIFTH ST., SUITE 1700, CINCINNATI, OH 45202

06-27-2002

1:30 p.m.

☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or

objects): All documents related to any transaction with the Skinner Landfill, located on the Cincinnati Dayton Road (State Rte 25) in Butler County, Union Township

PLACE

DATE AND TIME

SAME AS ABOVE

06-27-2002

1:30 p.m.

☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE

Annette M. Lang, Trial Attorney, Plaintiff United States

6/18/02

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Annette M. Lang, Trial Attorney, U.S. Dept. of Justice
 P.O. Box 7611, Ben Franklin Station, Washington, DC 20044-7611 202 614-4213

(See Rule 45, Federal Rules of Civil Procedure, Parts C & D on Reverse)

PROOF OF SERVICE

DATE

PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d) (2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in

person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) if a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial. The court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Lang, Annette

From: Lang, Annette
Sent: Wednesday, June 19, 2002 1:53 PM
To: melodia.craig@epa.gov; dnorthrop@porterwright.com; Gfranke@one.net;
lawyers@phillipslawfirm.com; conte@blankrome.com; mocallag@slk-law.com; msnyder@slk-law.com
Subject: depositions: june 27 and 28

counsel:

the following depositions are set for june 27 and 28:

rick schindler --- june 27 at 1:30 pm --- jon conte's office
gene crow --- june 27 at 5:00 pm --- jon conte's office
rodney miller - june 28 at 10:00 am -- elsa's house
elsa skinner --- june 28 right after rodney -- elsa's house

in addition the depositions on july 8 and 9 will be held at jon conte's office, instead of the USAO.

thanks for your careful attention to these matters.

Annette

This e-mail, including attachments, contains information that is confidential and it may be protected by the attorney/client or other privileges. This e-mail, including attachments, constitutes non-public information intended to be conveyed only to the designated recipient(s). If you are not an intended recipient, please delete this e-mail, including attachments, and notify me by return mail, e-mail, or at 202 514-4213. The unauthorized use, dissemination, distribution or reproduction of this e-mail, including attachments, is prohibited and may be unlawful.